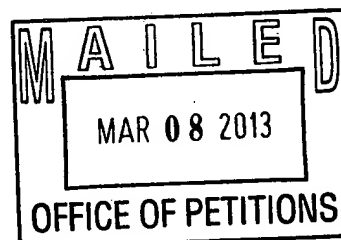




UNITED STATES PATENT AND TRADEMARK OFFICE

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Vincent Re PLLC
2500 Bunker Hill Road
Ann Arbor MI 48105



In re Patent of :
Jorge A. Morando :
Patent No. 6,082,965 :
Issue Date: 07/04/2000 :
Application No. 09/398272 :
Filing or 371(c) Date: 09/20/1999 :
Title of Invention: :
ADVANCED MOTOR DRIVEN IMPELLER :
PUMP FOR MOVING METAL IN A BATH :
OF MOLTEN METAL HAVING SHIELDED :
STEEL ALLOY LEGS :

ON PETITION

This is a decision on the petition under 37 CFR § 1.378(c), to reinstate the above-identified patent, filed December 3, 2012.

The petition is **DISMISSED**.

Any further petition to reinstate the above-identified patent must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The patent issued July 4, 2000. Patentee could have paid the eleven and one half (11½) year maintenance fee between July 4, 2011 and January 4, 2012, without a surcharge, or within the six (6) month grace period between January 5, 2012 and July 4, 2012. Patentee failed to do so; accordingly, the patent became expired on July 5, 2012.

The present petition

The present petition has been filed by Emma Thompson. Office records reveal that the patentee is Jorge A. Morando. Office records also reveal that the assignee of the patent is Alphatech, Inc.

Applicable Law, Rules and MPEP

37 CFR 1.378(c) states:

Any petition to accept an unintentionally delayed payment of a maintenance fee filed under paragraph (a) of this section must be filed within twenty-four months after the six-month grace period provided in § 1.362(e) and must include:

- (1) The required maintenance fee set forth in § 1.20 (e) through (g);
 - (2) The surcharge set forth in § 1.20(i)(2); and
 - (3) A statement that the delay in payment of the maintenance fee was unintentional.
- (d) Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest.

Petitioner's attention is also directed to 37 CFR 1.33(b), which states.

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
- (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. **This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.** (Emphasis supplied).

Therefore, as the petition is not signed by the inventor and the record herein fails to disclose that petitioner herein is a registered practitioner, or authorized to act on behalf of the assignee, the merits of the petition may not be considered.

The petition is dismissed. A properly signed petition is required.

A review of the petition reveals that the address appearing on the petition differs from the correspondence address of record. Applicant is advised that, in patented files: requests for changes of correspondence address, powers of attorney, revocations of powers of attorney, withdrawal of attorney and submissions under 37 CFR 1.501: Designation of, or changes to, a fee address, should be addressed to Mail Stop M Correspondence.

A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record. Petitioner is also advised that the correspondence address may only be changed by a proper party.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning *this matter* should be directed to attorney Derek Woods at (571) 272-3232. All other inquiries concerning examination procedures or status of the application should be directed to the appropriate Office and/or Technology Center¹.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

CC: EMMA THOMPSON
9503 E. MONTGOMERY AVE.
SPOKANE VALLEY, WA 99206

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See, 37 CFR 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).